

Senate Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 14

SENATE BILL 1059

AN ACT

AMENDING SECTION 33-1551, ARIZONA REVISED STATUTES; RELATING TO LIABILITIES
AND DUTIES ON PROPERTY USED FOR EDUCATION AND RECREATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-1551, Arizona Revised Statutes, is amended to
3 read:

4 33-1551. Duty of owner, lessee or occupant of premises to
5 recreational or educational users; liability;
6 definitions

7 A. A public or private owner, easement holder, lessee, tenant, manager
8 or occupant of premises is not liable to a recreational or educational user
9 except on a showing that the owner, easement holder, lessee, tenant, manager
10 or occupant was guilty of wilful, malicious or grossly negligent conduct that
11 was a direct cause of the injury to the recreational or educational user.

12 B. This section does not limit the liability that otherwise exists for
13 maintaining an attractive nuisance, except with respect to dams, channels,
14 canals and lateral ditches used for flood control, agricultural, industrial,
15 metallurgical or municipal purposes.

16 C. For the purposes of this section:

17 1. "Educational user" means a person to whom permission has been
18 granted or implied without the payment of an admission fee or any other
19 consideration to enter premises to participate in an educational program,
20 including but not limited to, the viewing of historical, natural,
21 archaeological or scientific sights. A nominal fee that is charged by a
22 public entity or a nonprofit corporation to offset the cost of providing the
23 educational or recreational premises and associated services does not
24 constitute an admission fee or any other consideration as prescribed by this
25 section.

26 2. "Grossly negligent" means a knowing or reckless indifference to the
27 health and safety of others.

28 3. "PARK" INCLUDES OUTDOOR SCHOOL GROUNDS THAT ARE OPEN TO
29 RECREATIONAL USERS, EXCLUDING SWIMMING POOLS AND OTHER AQUATIC FEATURES.

30 ~~3-~~ 4. "Premises" means agricultural, range, open space, park, flood
31 control, mining, forest, water delivery, water drainage or railroad lands,
32 and any other similar lands, wherever located, that are available to a
33 recreational or educational user, including, but not limited to, paved or
34 unpaved multiuse trails and special purpose roads or trails not open to
35 automotive use by the public and any building, improvement, fixture, water
36 conveyance system, body of water, channel, canal or lateral, road, trail or
37 structure on such lands.

38 ~~4-~~ 5. "Recreational user" means a person to whom permission has been
39 granted or implied without the payment of an admission fee or any other
40 consideration to travel across or to enter premises to hunt, fish, trap,
41 camp, hike, ride, engage in off-highway vehicle, off-road recreational motor
42 vehicle or all-terrain vehicle activity, operate aircraft, exercise, swim or
43 engage in OTHER outdoor recreational pursuits. The purchase of a state
44 hunting, trapping or fishing license, AN off-highway vehicle user indicia or
45 a state trust land recreational permit is not the payment of an admission fee

1 or any other consideration as provided in this section. A nominal fee that
2 is charged by a public entity or a nonprofit corporation to offset the cost
3 of providing the educational or recreational premises and associated services
4 does not constitute an admission fee or any other consideration as prescribed
5 by this section. RECREATIONAL USER DOES NOT INCLUDE A STUDENT REGISTERED AT
6 A SCHOOL WHO IS ON THE WAY TO OR FROM SCHOOL, DURING DESIGNATED TIMES THAT A
7 STUDENT IS ALLOWED TO BE ON SCHOOL GROUNDS AS DETERMINED BY DISTRICT
8 PERSONNEL OR PARTICIPATING IN A SCHOOL SANCTIONED ACTIVITY.

9 6. "SCHOOL" HAS THE SAME MEANING PRESCRIBED IN SECTION 15-101.

APPROVED BY THE GOVERNOR MARCH 13, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 13, 2012.

Passed the House March 8, 2012,

by the following vote: 55 Ayes,

1 Nays, 4 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate February 16, 2012,

by the following vote: 27 Ayes,

3 Nays, 0 Not Voting

[Signature]
President of the Senate

Susan Acers
Assistant Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

9th day of March, 2012,

at 8:33 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 13th day of

March, 2012,

at 10:08 o'clock P. M.

[Signature]
Governor of Arizona

S.B. 1059

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 13th day of March, 2012,

at 3:16 o'clock P. M.

[Signature]
Secretary of State